IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.S.RADHAKRISHNAN

&

THE HONOURABLE MR. JUSTICE A.K.BASHEER

WEDNESDAY, THE 7TH NOVEMBER 2007 / 16TH KARTHIKA 1929

MACA.No. 1997 of 2007

OPMV.2344/1999 of MOTOR ACCIDENT CLAIMS TRIBUNAL, KOZHIKODE

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APPELLANT/PETITIONER IN OP(MV)

P.K.PRAVEENKUMAR, S/O.BHARATHAN, AGED
35 YEARS, PAIKOTTUKANDI HOUSE, CHULLIYODE ROAD,
KOTTOOLI POST, MALAPARAMBA, KOZHIKODE.

BY ADV. SRI.K.M.JAMALUDHEEN

RESPONDENTS: RESPONDENTS IN OP(MV)

1. SHAMEER, S/O.ABDUL AZIZ, ASAZ (H),
B.NO.5/108, KOTTARAM ROAD, ERANHIPALAM,
KOZHIKODE.

2. THE NEW INDIA ASSURANCE COMPANY LIMITED,
TRIPURI BUILDING, EAST NADAKKAVU,
KOZHIKODE.

BY

THIS MOTOR ACCIDENT CLAIMS APPEAL HAVING COME UP FOR ADMISSION ON 07/11/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

K.S.RADHAKRISHNAN & A.K.BASHEER, JJ.

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M.A.C.A.No.1997 OF 2007

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Dated this the 7th day of November, 2007

JUDGMENT

Radhakrishnan, J

Appellant herein was the petitioner before the Principal Motor Accidents Claims Tribunal, Kozhikode in O.P.(MV)No.2344/99. The appellant had claimed Rs.2,00,000/- as compensation. Tribunal awarded Rs.34,427/- as compensation. Petitioner was aged 27 years at the time of the accident. No oral evidence was adduced. As per Ext.C1, medical certificate, percentage of disability was 4%. Tribunal found that without proving Ext.C1 document, the disability and disablement cannot be reckoned. Considering the entire facts and circumstances of the case, we are of the view that the Tribunal has awarded just and reasonable amounts in all the heads. In the absence of proper evidence, claimant has no right to claim enhanced compensation. In such circumstances, this appeal stand dismissed.

K.S.RADHAKRISHNAN, JUDGE

A.K.BASHEER, JUDGE

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